

D/5

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

\_\_\_\_\_  
MATTHEW R. GILREATH,

*Plaintiff,*

-against-

STAFFORD FOOD SERVICE,

*Defendant.*

\_\_\_\_\_  
FEUERSTEIN, United States District Judge:

**MEMORANDUM  
AND ORDER**

11-CV-3516 (SJF)(ARL)

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

★ OCT 25 2011 ★

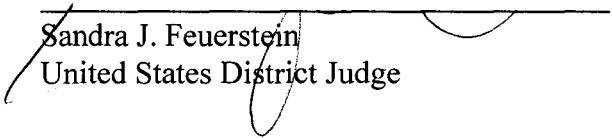
LONG ISLAND OFFICE

On July 20, 2011, incarcerated *pro se* plaintiff Matthew R. Gilreath (“plaintiff”) filed this complaint pursuant to 42 U.S.C. § 1983 alleging that he was injured as a result of improper food handling at the Nassau County Correctional Facility and that the medical care he received for his injury has been inadequate. By Order dated August 31, 2011, the complaint against Sheriff Michael Sposoto and Undersheriff James Ford was *sua sponte* dismissed, and plaintiff was given thirty days to file an amended complaint to set forth his claims of inadequate medical care. The order further stated that his section 1983 claims for inadequate medical care would be dismissed with prejudice unless plaintiff filed an amended complaint within thirty (30) days. Plaintiff has not filed an amended complaint regarding his inadequate medical care claim and the time for doing so has passed.

Accordingly, his claims for inadequate medical care are dismissed with prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal.

*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

**SO ORDERED.**

  
Sandra J. Feuerstein  
United States District Judge

Dated: Central Islip, New York  
October 25, 2011